

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY DEFENDANT/COUNTER-PLAINTIFF
and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
HAAG ENGINEERING CO.; and ALEXIS KING

DEFENDANTS

**STATE FARM FIRE AND CASUALTY COMPANY'S
FED. R. CIV. P. 16(f)(1)(C), 37(c) & MISS. UNIF. CIV. L. R. 26(a)(3)
MOTION TO EXCLUDE/IN LIMINE FOR FAILURE TO TIMELY DISCLOSE**

(With Verified Good Faith Certificate)

Defendant/Counterclaimant State Farm and Casualty Company ("State Farm") submits this Fed. R. Civ. P. 16(f)(1)(C), 37(c) & Miss. Unif. Civ. L. R. 26(a)(3) Motion to Exclude/In Limine for Failure to Timely Disclose. State Farm would show:

1. State Farm incorporates by reference its concomitant memorandum of authorities filed in support of this motion, including all arguments, authorities and evidence therein.

2. State Farm respectfully requests that this Court, at a minimum, strike Owen McPeck, Shirley McPeck, Michael Cavanaugh, Shannon Cavanaugh, Sam Larosa, Ann Larosa, Eugene Batia, Debora Batia, Tarra Lee Barnes, and Patricia Day from the Rigsbys' Supplemental Disclosures, and preclude the Rigsbys from offering their testimony in any motion, at any hearing, or at trial. *See* Fed. R. Civ. P. 16(f)(1)(C); Fed. R. Civ. P. 37(b)(2)(A)(ii); Fed. R. Civ. P. 37(c)(1).

WHEREFORE, PREMISES CONSIDERED, for the foregoing reasons, State Farm respectfully requests that its motion be granted. State Farm seeks such further, supplemental and alternative relief as may be appropriate in the premises.

This the 12th day of July, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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CERTIFICATE OF SERVICE

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following via the means directed by the Court's CM/ECF System:

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THIS the 12th day of July, 2010.

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E. Barney Robinson III (MSB #09432)